

DOCKET NO: PHRM0028-101 (6195.NCN1)
Serial No.: 09/322,732

PATENT
Filed: May 28, 1999

146. (Currently Amended) A method for identifying a compound that decreases a binding activity of prokaryotic elongation factor p (efp) comprising the steps of:

(a) contacting efp with a compound; and
(b) determining whether the compound binds to efp by a binding assay selected from the group consisting of gel electrophoresis, Western blot, filter binding, and scintillation proximity assay; and

(c) comparing the binding activity of efp in the absence of the compound to binding activity of efp in the presence of the compound;
wherein a decrease in binding activity in the presence of the compound is indicative of a compound that decreases the binding activity of the efp.

147-153 (canceled)

154. (previously presented) A method for identifying a compound which modulates elongation factor p (efp) binding activity comprising:

(a) contacting efp with a compound under conditions suitable for efp binding and detecting modulation of binding activity of the efp by the compound; and

(b) comparing the binding activity of efp in the presence of the compound to the binding activity of efp in the absence of the compound;

wherein an increase in the binding activity indicates that the compound increases efp binding activity and a decrease in the binding activity indicates that the compound decreases efp binding activity.

155-163 (canceled)

REMARKS

Claims 7, 8, 141, 143-146, and 151-163 were pending. Claim 144 has been canceled without prejudice. Claims 151-153 and 155-163, withdrawn from consideration as drawn to non-elected inventions, have been canceled without prejudice to their presentation in a future

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application. Claims 7, 8, 143, 145, 146, and 154 have been amended to recite a "comparison" step.

The amendments to the claims do not present new issues requiring further consideration or search. Upon entry of this amendment claims 7, 8, 143, 145, 146, and 154 will be pending. No new matter has been added.

As an initial matter, Applicants would like to thank Examiner Robinson for the courtesies extended during the July 26, 2004 teleconference to discuss the present case and claims. Applicants have incorporated the Examiner's helpful suggestions into the current amendment.

Objections

The specification is objected to as allegedly containing incorrect usage of trademarks. Applicants have amended the specification to correct the usage of the trademark Tween-20™. Although Applicants conducted a review of the trademark database, Applicants were unable to locate any reference to a trademark relating to Tris-HCl. Accordingly Applicants respectfully invite the Office to furnish any information relating to the trademark status of Tris-HCl.

In view of the foregoing, Applicants respectfully request the objections to the specification be withdrawn.

Rejections under 35 U.S.C. § 112

Claims 7-8, 143-146 and 154 are rejected under 35 U.S.C. §, first paragraph, because the specification is allegedly not enabling for the full scope of the claims. Applicants respectfully disagree because one of skill in the art could readily make and use the invention as claimed.

Notwithstanding the foregoing and solely in an attempt to further prosecution, Applicants have amended the claims in accordance with the Examiner's suggestions to recite a "comparison" step.

In view of the foregoing, Applicants respectfully request that the rejection under 35 U.S.C. § 112, first paragraph be withdrawn.

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Claims 7 and 144 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. According to the Office, Claim 7 and 144 are indefinite because "the claim is missing a transitional phrase where the claim recites "...increases binding activity of prokaryotic elongation factor p.". The Office also alleges that Claim 7 is indefinite because it does not recite L16 in the preamble. Applicants respectfully disagree. However, in order to further prosecution, Applicants have amended claims 7 and 144, thereby rendering the rejection moot.

In view of the foregoing, Applicants respectfully request that the rejections under 35 U.S.C. § 112 be withdrawn.

Prior Art

Applicants note that no prior art has been cited against the claims during the prosecution of the present application. Accordingly, Applicants respectfully assert that the claims are novel and unobvious.

Conclusion

Applicants believe the claims are in condition for allowance. An early Notice of Allowance is therefore earnestly solicited. Applicants invite the Examiner to contact the undersigned at (215) 665-6928 to clarify any unresolved issues raised by this response.

Respectfully submitted,



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